

SMITH BOUGHT THE PISTOL.

RAND FLATLY TELLS THE JURY PATTERSON JURY SO.

The Smiths are exhibited to the jury, but the fact that they avoided the first trial is excluded—Rand says they lived on Caesar Young's money.

"The revolver with which Caesar Young was killed had been bought the day before at the pawnshop of Hyman Stern by J. Morgan Smith, brother-in-law of Nan Patterson."

Thus Assistant District Attorney Rand, in his opening address to the jury yesterday, promised to reinforce for the second trial of Nan Patterson the evidence that she murdered Young in pursuance of a plot deliberately formed. It was the plot that the prosecution had directly charged Smith with having bought the pistol, and Mr. Rand's blunt statement caused a stir among the chorus girls' counsel and made her uneasy. Mr. Rand gave no indication of how he intends to prove that Smith bought the pistol, the surprise being that either Stern would identify Smith or that there was evidence in the letters taken from the Smiths at Cincinnati.

Also Levy, of counsel for Miss Patterson, admitted that he was surprised by Mr. Rand's statement. He says, however, that he will be able to prove that Smith could not have been the buyer of the revolver.

"We have evidence absolutely irrefutable," he said, "that Smith could not have bought that pistol. It would have been a physical impossibility, unless he had wings. We can prove by five or six responsible witnesses that Smith could not have been at Stern's pawnshop when the pistol was bought."

THE MORGAN SMITHS BROUGHT INTO COURT.

That Smith and his wife, Julia Patterson Smith, sister of the prisoner, will be important figures in the second trial was made plain before yesterday's session was over. A few minutes before Recorder Goff adjourned court, the Smiths were brought over from the Leonard street station. Quinn had been describing the scene in the Coroner's court a few hours after Young had been killed. After he had told her that Young was dead, Nan Patterson cried:

"Oh, why did he do it? If he's dead I might as well kill myself. He had everything to live for. If he's dead I want to die too."

Then, in the Coroner's court, Miss Patterson asked Quinn to take his bill and kill her. A second later Smith and his wife walked into court. Smith took the chorus girls' hands and led her to a chair. Mrs. Smith sat next to her. Quinn went on:

"The defendant said, 'Oh, Morgan, Caesar is dead. I look at Smith. He is green, almost.'"

Assistant District Attorney Garvan stopped the witness and motioned to a court officer at the back of the room. A door was opened and Smith and his wife came in. They were marched up to the rail within a few feet of Nan Patterson. Mrs. Smith was pale. Her sister fidgeted. Smith's straw-colored head bobbed far above his wife's.

Mr. Levy was on his feet in a jiffy. He looked at the Smiths, then at his client and shouted a protest.

"This is a theatrical demonstration!" he cried.

"No, it is not," said Mr. Rand. "It will be seen why they are here."

Pointing to Smith, Mr. Rand asked:

"Is this the J. Morgan Smith you saw in the Coroner's court?"

"It is," replied Quinn.

And this is Mrs. J. Morgan Smith?"

"Yes, sir."

Mr. Garvan tried to get before the jury that the Smiths had been fugitives from justice. He said that the jury had heard Quinn if he had seen either of the Smiths since that day in the Coroner's court. Before Quinn could answer, Mr. Levy's objection was sustained.

At no time in the forty odd days that Nan Patterson has been in court since her first trial began has she looked so fatigued. The morning session was cut short because she complained to her counsel that she was tired out. When she got over to the Tombs she felt faint and Dr. Morgan, the Tombs physician, was called to treat her. She was very pale and worn looking all through the afternoon session.

Along before noon there was a crash at the door. A squad of police saw to it, however, that only those who had cards from some one in authority got in. About a dozen women had seats in the back part of the court room.

PROSECUTOR'S OPENING.

Mr. Rand began his address by impressing upon the jurors their responsibility. A great sensation had been made of the case, Mr. Rand said, but he asked the jury to remember that the trial was connected with the trial to forget what had gone before and consider only the evidence.

Remember that your minds are to be cleared of all ideas. Do not be impressed by only what is said in court under oath. It sounds simple, but it is hard, very hard, especially when the defendant is the sex in which we look for the virtues that adorn and beautify human nature and where we do not seek vice and degradation that can lead to crime. Do not let a crime be a crime for a woman to kill a man. This is not a court of honor, chivalry or morals, as one might think. The law is being examined; it is a court of law, a court of justice. You must remember that this woman comes before you an innocent woman, a woman who knows the law as any woman in your household. You must not take against this woman her mode of life. You have all agreed that this is on trial for the property of a man, but for murder. A woman of the lowest morals is entitled to as fair a trial as a woman of the highest.

MURDER PLANNED THE DAY BEFORE.

Mr. Rand said it would be shown that only a monkey could have inflicted on himself the death that killed Young. It would be proved, he said, that a conspiracy was hatched to kill Caesar Young, and that the defendant's family, and was about to fail.

"The killing of Caesar Young was planned the day before he died, and the weapon that inflicted the fatal wound was bought that day. Only one person living can tell how Young was killed. The law forbids us to call that person a witness, but we intend to prove this crime in the face of circumstances that are consistent only with murder by this defendant."

Into the story of the killing of Young, Mr. Rand said, would come the life of the Tenderloin, all night saloons, roving carmen, and the garish underworld of a great city. Young had been a gambler, a drinker, a die, not a bad man—a man with the vices and virtues that go with his class. Handsome, rich and jovial, spending his money freely, he was always meeting women who attracted him, and he was an easy mark.

Mr. Rand paused and looked at Nan Patterson. She knew what was coming. Her picture was to be painted and known heard. Mr. Rand twice before, she knew he was an artist. She compressed her lips and waited.

whose love of ease and love of money is greater than their love of virtue. She had been a gambler, a drinker, a die, not a bad man—a man with the vices and virtues that go with his class. Handsome, rich and jovial, spending his money freely, he was always meeting women who attracted him, and he was an easy mark.

SMITH LIVED ON YOUNG.

Then Mr. Rand referred to the Smiths. Mrs. Smith was employed in the Treasury Department in Washington when she met Smith. He was described as a man of good family and breeding, but with a streak of depravity in him that overcame everything.

Mr. Levy protested against Smith's name being brought into the case. "Smith is indicted for conspiracy," said Mr. Rand brusquely, "and I will show by witnesses that there was a conspiracy hatched to keep Young's money in the possession of this trio and that next to this defendant the chief actor in this conspiracy was J. Morgan Smith. In order to show what sort of a man this was, I've got to do it. Smith was on his uppers when his wife met Young, who maintained Nan Patterson as his mistress. Nan Patterson was generous and she wouldn't see her sister and brother-in-law without the good things of life. The Smiths didn't have a thing that didn't come from the amorous goings-on of Caesar Young."

Young spent \$50,000 on the chorus girl, Mr. Rand said, and Lawyer Unger must have "fiddled" with the money. Mr. Rand who asked the Recorder to let Mr. Unger sit in "the kitchen or some other fitting place" if he couldn't stop interrupting.

Mr. Rand described the breaking off of the relations between Young and the prisoner and his proposed departure for Europe with his wife, his meeting the prisoner on sailing day and starting down to the ship with her, and his death in the cab. Then he called a few preliminary witnesses and the case went over to today.

MOTION TO RECOVER LETTERS DENIED.

Justice Gaynor denied yesterday the motion of H. R. Limburger, counsel for the Smiths, to compel the District Attorney to turn over to him all the letters properly taken from the Smiths when they were arrested at Cincinnati. Justice Gaynor says the police have the power to search in the case of the Smiths. The Justice says that the complaint alleges that the indictment "charges no crime from which it would be the plain duty of the letters to prepare for their defense."

Mr. Limburger said yesterday afternoon that he intended to adopt some other method to get the papers.

BILLS SIGNED BY GOV. HIGGINS.

One Requires Trust Companies to Report Their Condition Every Three Months.

ALBANY, April 24.—Gov. Higgins has signed the bill of Senator Davis bringing trust companies under the section of the State Banking law which authorizes and directs the Superintendent of Banks to call on banks and banking associations for a report at least once in every three months of their condition.

The Governor has also signed the bill of the Senate Forest, Fish and Game Commission, making the Fish and Game Commission, instead of the chief game protector, responsible for the enforcement of all laws and regulations for the protection and regulation of the State forests, creating an additional assistant chief forest, fish and game protector and requiring forestry inspectors, protectors and fire wardens to report forthwith all cases of trespass to the Superintendent of the State Forests.

Among the other laws signed by the Governor are the following:

Mr. Prentice's, making it a crime to request or advise a female to become an inmate of a disorderly house.

Mr. Martin's, requiring public officers who place dependent children in families to report to the State Board of Charities particulars with relation to each child placed out.

Mr. Cowan's, authorizing the State Superintendent of Public Works to investigate as to the regulation of toll bridges across the Delaware River between the State and Pennsylvania.

Mr. G. H. Whitney's, making it a misdemeanor for a person to give a false alarm of fire, or to tamper with any alarm bell or other part of the fire alarm system.

Mr. Prentice's, providing for the cancellation of certain unpaid assessments against property of the Feeble Infant Asylum of New York.

Mr. Stanley's, authorizing New York City to make further appropriation of \$50,000 for the State of New York.

Mr. Hieby's, authorizing the Board of Estimate and Apportionment to make provision for the State of New York.

Mr. Mark's, providing that all bargees within a radius of forty-five miles of a city having a population of a million inhabitants shall be subject to a license.

Mr. Hill's, providing that a trustee officer in the performance of his duties may be removed from office.

Mr. Apple's, adding Rockland and Westchester counties to the list of those in which there is no open season for wild deer.

Mr. Apple's, making it a misdemeanor to buy or sell game out of season. Also providing a penalty of \$50 for each black bear taken out of season and prohibiting the taking of any kind of animal or bird.

Another Barge Canal Contract Awarded.

ALBANY, April 24.—State Superintendent of Public Works Franchot to-day awarded contract #6 of the barge canal work near South Greece, west of Rochester, to F. A. Maselli & Co. of Pittsburg, Pa., who were the low bidders at \$1,005,983.

This is the last of the six pending contracts for which bids were received in December last. The remainder of the contracts have already been executed, and active work is expected, will soon be begun.

Style the Keynote of These Suits.



Here are sack suits which own every little knack of fashion—long, broad peaked lapels, straight or slightly rounded edges, deep centre vents—every earmark of fine tailoring. And for the more conservative man more conservative models. All with our "Concave" Shoulder and "Clothesfitting" Collar.



Involved in this series of \$20 suits are all the new gray tones in smooth and unfinished, black, blue, and black series.

WM. VOGEL & SON
Broadway, Houston St.

OFFICER TO PRIVATE'S RESCUE.

Mishap When Company of Regulars Start for Pennsylvania.

Company E, Eighth Regiment, U. S. A., went to Williamsport yesterday at the invitation of Gov. Pennypacker of Pennsylvania. This company is said to be the best drilled of any of the regulars in the Department of the East.

The Infantrymen left Governors Island at 7 o'clock yesterday morning on the Quartermaster's tug Wulff, which took them to Jersey City and tied up at the Pennsylvania Railroad pier. The tide was low at the time and the soldiers had to stand on the rail of the tug and climb to the dock.

In doing this Private Slater slipped and fell overboard between the tug and the dock. Weighed down by his equipment he went out of sight.

Lieut. A. L. Halpin was on the tug watching the men disembark and saw the private go overboard. The Lieutenant got outside the rail of the boat where Slater lay and appeared and waited for him to bob up. When he did so he got him by the hair and pulled him ashore. The tug was pounding against the dock at the time. The private was none the worse for his ducking. He was advised to go back to Governors Island, but he wanted to continue the trip and he was allowed to do so.

TWO END SEASON ART SALES.

Van Elten Paintings and John Russell Young's Porcelains to Go at Auction.

For the wind-up of the art sales season at the American Art Galleries, which comes this week, there are two collections to come under the auctioneer's hammer.

Both are of exhibition in the galleries preliminary to their sale, which takes place on Thursday and Friday evenings and Friday afternoon. Both sales will be held in the American Galleries. Mr. Kirby will be the auctioneer, after which he will tie him to the green fields of Westchester and rejoice in well doing and placid diversions.

So there last day's sale was not only a season's last chance at the pleasant inducements of the auction room, but the opportunity also for the seasonal devoirs of the faithful.

The collections to be dispersed are composed of 200 paintings by the late Kruseman van Elten, N. A., and 175 catalog elots of Orientalia acquired in the course of a busy and diversified life by the late John Russell Young of America.

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ALLIED BUILDING TRADES.

New Central Body Which Will Take Up Labor Disputes in the Industry.

It was stated yesterday that the name of the new central body representing the building unions working under the arbitration agreement will be the Allied Building Trades and that it will be organized early in the week.

The new central body will work in harmony with the employers in adjudicating grievances. It will consist of the unions rigidly observing the arbitration agreement, and we expect the Building Trades Employers' Association to take part in the removal of the strike.

If there is a grievance against the union or any union dispute the matter will first be taken up by the new central body. If that body fails to settle the trouble it will refer the case to the general arbitration board.

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BAKERS TALKING STRIKE NOW.

Will Fight Over a Ten Hour Work Day "on Trades Union Lines."

A statement was made last evening on behalf of the Greater New York executive board of the bakers' unions to the effect that the unions are strong enough to enforce the ten hour work day, though the statement has been declared unconstitutional.

"Out of 3,000 union bakers in this city, 2,000 have an agreement for a year, beginning May 1, for a ten hour day. The rest are independent of any law. The employers are bound by this agreement, and if they violate it the bakers will strike. We will organize as thoroughly as possible and fight for the ten hour day on trades union lines."

There are from 1,500 to 2,000 non-union bakers in the city, who are employed principally in the small bakeries.

HOOVER MAY BE REMOVED.

The Assembly Committee Has Practically Decided Against Impeachment.

ALBANY, April 24.—The chances are that an extraordinary session of the Legislature may have to be called to consider the case against Supreme Court Justice Warren B. Hooker.

The committee has practically decided the idea of reporting a resolution providing for impeachment, but will probably report a resolution for the removal of Justice Hooker.

The committee has until next Thursday to complete its report to the Assembly. It will have to include in that report the ground upon which it recommends removal.

STATE WATER BILL.

Republicans Discover That It Confers Sweeping Powers on the Commission.

ALBANY, April 24.—The Agnew State Water Commission bill is to encounter some opposition in the Senate among the Republicans.

When the Republicans were framing the bill and sending it along it was thought that it would simply direct Mayor McClellan's desire to give New York City an adequate water supply and give the State control over that supply.

The powers of the State commission are considered to be too sweeping, according to Senator Malby. Under the Agnew bill it will be possible for the State commission to supervise the acts of the State Water Storage Commission, appointed under an act of Congress last year, and which is expected to soon get busy in the interest of the pulp and lumber mill interests of the Adirondacks.

THE NEW MORTGAGE TAX BILL.

IT IS TO BE REPORTED THURSDAY OR FRIDAY.

And Will Exempt Mortgages Held by Building and Loan Associations—Bill to Put Cassidy Out of Control in Queens Grab for Patronage in This City.

ALBANY, April 24.—Senator Lewis, chairman of the Senate Taxation Committee, said to-night that he is working upon an amended mortgage tax bill which will be reported from this committee by Thursday or Friday, and which he hopes will be passed in both Houses promptly under an emergency message from the Governor.

Aside from smoothing out the machinery, Senator Lewis said the only important amendment would be the one exempting from the tax mortgages held by building and loan associations.

William Church Osborn of New York City was in Albany to-day in the interests of the proposed amendments to the corrupt practices law designed to prevent the illegitimate use of money at elections. Mr. Osborn insists that the bill shall be passed in the Assembly without amendment. It has already passed the Senate.

Senator Cullen (Dem., Brooklyn), to-night introduced a bill which would be of decided advantage to Editor Metcalfe of Life in his fight against the New York City Theatrical Trust. The bill provides that all persons within the jurisdiction of this State shall be entitled to the full accommodations, advantages, facilities and privileges of licensed theaters and places of amusement, and a person who as owner, lessee, manager or employee of such a place, excludes any person therefrom without just cause or excuse shall be guilty of a misdemeanor.

Assemblyman Wilensack's bill, which is designed to put Joe Cassidy, the autocrat of Queens borough, out of control of the Democratic organization there, was advanced to third reading in the Assembly to-night. The Democrats opposed the bill and Assemblyman Sullivan, Cassidy's personal representative, wanted it amended so as to exclude the First and Second wards of the former city of Long Island City, but it was voted down.

The bill is designed to permit the Democrats to go to the primaries next September and their votes get control of the organization away from Cassidy. It provides that the basis of representation for borough, county and Assembly district conventions shall in the wards be upon the basis of votes cast for the candidate for Governor at the last preceding State election.

Assemblyman Halpin, acting for his boss, Tom Hamilton, has caused to be introduced as a next grab bill for patronage as any that has come before this session of the Legislature. It is designed to give Hamilton a third reading in the Assembly to-night. It is designed to give Hamilton a third reading in the Assembly to-night.

The bill creates the office of Commissioner of Records for New York county and the Commissioner is to be appointed by the County Clerk, who is Hamilton. The Commissioner of Records is to be appointed for six years, five years more than the present County Clerk has to serve, and he is to appoint his own subordinates.

Francis C. Jones, Committee on the Judiciary, has introduced a bill to amend the law relating to the appointment of the County Clerk of New York county. The bill provides that the County Clerk shall be appointed for six years, five years more than the present County Clerk has to serve, and he is to appoint his own subordinates.

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Chinese Porcelains, CLOISONNE ENAMELS, JAPANESE BRONZES AND OTHER ORIENTAL OBJECTS

COLLECTED BY THE LATE HON. John Russell Young.

MINISTER PLENIPOTENTIARY TO CHINA FROM 1881 TO 1885, belonging to and to be sold at unrestricted public sale by order of his widow, MRS. JOHN RUSSELL YOUNG.

on FRIDAY Afternoon, of this week, April 28, BEGINNING PROMPTLY AT 3 O'CLOCK.

INCLUDED ARE A NUMBER OF OBJECTS PRESENTED TO MR. YOUNG BY VICEROY LI HUNG CHANG, PRINCE KUNG, THE PRIME MINISTER OF JAPAN, IWAKURA, M. YOSHIDA, FORMER JAPANESE MINISTER TO THE UNITED STATES; A MEMBER OF THE IMPERIAL FAMILY, JAPAN, AND A SIAMSE COURT OFFICIAL, AS WELL AS OBJECTS GATHERED DURING HIS TRIP "AROUND THE WORLD WITH GRANT."

The Sales Will be Conducted by Mr. Thomas E. Kirby of THE AMERICAN ART ASSOCIATION, Managers

6 East 23d Street, Madison Square South, New York.

Mr. Particular Man:
When a garter is comfortable—doesn't slip—doesn't chafe—doesn't bind, you may depend on it being a Nealon.

The Nealon Garter with the non-elastic band outwears two of the ordinary sort—besides they are most comfortable.

AUSTRO-ITALIAN BORDER ROWS.

Usual Number of Minor Clashes Now Reported.

SPECIAL CABLE DISPATCH TO THE SUN.
MILAN, Italy, April 24.—The periodically recurring wave of anti-Austrian sentiment in northern Italy has been fanned by some recent minor incidents, such as the arrest of a student at the Austrian frontier of the County of Vipera of Udine on the erroneous suspicion that he was a spy.

The Assembly Rules Committee will not get hold of two bills which body dominated by Speaker Nixon, has always looked upon as legislative spoils. One is Senator Goodell's bill in the interest of the Belmont syndicate. One authorizes the abandonment of unprofitable routes.

The Belmont syndicate is a group of men who own the abandoned Steinway tunnel franchise to connect Mr. Belmont's Long Island railroads with the Long Island City and Queens boroughs. The bills were advanced to a third reading in the Assembly to-night and were then made a special order for final passage on Wednesday.

Senator Raines' bill extending for five years the time in which the New York Connecting Railroad may be completed, and also its railroad were advanced to a third reading in the Assembly.

Assemblyman Fish's bill, which was desired by the State Board of Charities. It provided that the Governor should appoint by the closing of the legislative session. The Governor said the length of his stay there would depend on his condition. He spent some time at this resort after the close of the memorial campaign last fall. Cambridge Springs is not far from Olean, the Governor's home.

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is a certain cure for all disorders arising from impaired digestion and is used by physicians in the treatment of gout, rheumatism and dyspepsia.

NATURAL ALKALINE WATER.

Insist on having the Genuine.

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